

Dated: December 7, 1995.

Timothy C. Finton,

*Executive Secretary, Advisory Committee for
International Communications and
Information Policy.*

[FR Doc. 95-30702 Filed 12-18-95; 8:45 am]

BILLING CODE 4710-45-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program, Ft. Lauderdale-Hollywood International Airport, Ft. Lauderdale, FL

AGENCY: Federal Aviation
Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the Broward County Aviation Department under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR Part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On June 1, 1995, the FAA determined that the noise exposure maps submitted by the Broward County Aviation Department under Part 150 were in compliance with applicable requirements. On November 28, 1995, the Administrator approved the Ft. Lauderdale-Hollywood International Airport noise compatibility program. All of the recommendations of the program were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Ft. Lauderdale-Hollywood International Airport noise compatibility program is November 28, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Tommy J. Pickering, P.E., The Federal Aviation Administration, Orlando Airports District Office, 9677 Tradeport Drive, Suite 130, Orlando, Florida 32827-5397, (407) 648-6583, Extension 29. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Ft. Lauderdale-Hollywood International Airport, effective November 28, 1995.

Under Section 104(a) of the Aviation Safety and Noise Abatement Act of 1979

(hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measure should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act, and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses.

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical users, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, Section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or

approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Orlando, Florida.

The Broward County Aviation Department submitted to the FAA on May 22, 1995, updated noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from November 25, 1992 through May 18, 1995. The Ft. Lauderdale-Hollywood International Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on June 1, 1995. Notice of this determination was published in the Federal Register.

The Ft. Lauderdale-Hollywood International Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 2000. It was requested that FAA evaluate and approve this material as a noise compatibility program as described in Section 104(b) of the Act. The FAA began its review of the program on June 1, 1995, and was required by a provision of the Act to approve or disapprove the program within 180-days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained twelve (12) proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective November 28, 1995.

Outright approval was granted for ten (10) of the twelve (12) specific program measures. Two (2) measures were partially approved. The approval action was for the following program controls:

OPERATIONAL MEASURES

| Noise Abatement Measure Number | Description | NCP Pages |
|--------------------------------|---|--|
| 1 | Preferential Flight Tracks: This measure recommends continued use of preferential flight tracks at the Airport as diagrammed on the exhibits in Appendix A of the NCP report. These procedures are implemented through the Informal Runway Use Program, Appendix B. FAA Action: Approved as a voluntary measure. | Pgs. 6-1, 6-10, 6-11 and 7-1; Table 7-1; and Appendices A and B. |
| 2 | Noise Abatement Departure Procedures: This measure recommends continued use of existing noise abatement departure procedures at the Airport as indicated in the Informal Runway Use Program (Appendix B). Departures 9L, 9R, 27R, 27L: Remain on runway heading until 3,000 feet or three (3) miles. Departure 13: Turn left heading 090 degrees as soon as practical, maintain 090 degrees until reaching 3,000 feet or three (3) miles. Departure 31: Turn left heading 270 degrees as soon as practical, maintain 270 degrees until reaching 3,000 feet or three (3) miles. FAA Action: Approved as a voluntary measure. | Pgs. 6-1, 6-10, 6-11 and 7-1; Table 7-1; and Appendix B. |
| 3 | Preferential Runway Use: This measure recommends continued preferential runway use provided in the Airport's Informal Runway Use Program (Appendix B). The program applies to all turbojet aircraft regardless of weight and includes the following runway use procedures. Runway 9L is the preferred runway and is the calm wind runway. All turbojet arrivals and departures will use Runway 9L-27R. Runway 9R-27L is closed from 2200-0700 local time for noise abatement. This nighttime closure of Runway 9R-27L has not affected the operational capability and capacity of Runway 9L-27R. FAA Action: Approved as a voluntary measure. | Pgs. 6-1, 6-2, 6-10, 6-11, 6-31, 6-32, 7-1; Table 7-1; and Appendix B. |
| 4 | Airport Noise Monitoring Program: This measure will continue the Airport Noise Monitoring Program to include, among other things, provision of staff services by the Broward County Aviation Department (BCAD) on behalf of the Airport Noise Abatement Committee (ANAC), monitoring the operation of the Airport's permanent noise monitoring system, administration of an Airport users education program, and administration of a public information program as described in the Fort Lauderdale-Hollywood International Airport FAR Part 150 Program Update. FAA Action: Approved. | Pgs. 6-2, 6-3, 6-10, 6-11, 7-1, 7-2; and Table 7-1. |
| 5 | Test of Noise Abatement Departure Profiles: This measure recommends a test of the noise abatement departure profiles (NADPs) described in FAA Advisory Circular 91-53A be conducted at FLL to determine the noise-related benefits of requesting the airlines serving the Airport to use either "close-in" or "distant" community NADP when specific aircraft types are being operated on specific runways. The test will measure differences in SEL values and be used to calculate the anticipated changes in cumulative noise exposure. Test results will be used to prepare recommendations for selection of the NADP with the greatest noise benefit for individual aircraft types being operated from the different runways at the Airport. Such recommendations would be implemented by seeking voluntary compliance from the airlines serving the Airport. FAA Action: Approved in concept. FAA approves further study to determine whether a close-in or distant procedure is the most beneficial for particular runways. However, an actual test of procedures is not necessary as the benefits of the procedures described in FAA Advisory Circular 91-53A may be modeled using the INM. | Pgs. 6-11, 6-12, 7-2; and Table 7-1. |
| 6 | Stage 2 Preferential Runway Use: This measure recommends BCAD and the ATCT manager take all actions necessary to restrict all stage 2 aircraft to Runway 9L-27R except when wind, weather, maintenance, operational, or emergency conditions require the use of Runway 13-31 or 9R-27L. In addition to air carriers, this would include any Stage 2 business jets as well as air taxi/commuter aircraft. The NCP recommends implementing this measure in the Tower Order through an amendment to the Informal Runway Use Program. Stage 2 business jet operations on Runway 9R-27L are considered to be largely responsible for sideline noise impacts immediately south of the airport (in the Melaleuca Gardens neighborhood). FAA Action: Approved as voluntary. | Pgs. 6-13, 7-2, 7-3; Table 7-1; and Appendix B. |
| 7 | Relocate Engine Maintenance Runup Facility: This measure will relocate the aircraft engine maintenance runup facility from its present site on Runway 13-31 to the east end of Runway 9L-27R following removal of the BCAD "Chassis Master" maintenance area from the latter location. Engine noise at the new location can be directed toward the east away from any existing or planned residential development. FAA Action: Approved. | Pgs. 6-14 to 6-17, 7-3; and Table 7-1. |
| 8 | Permanent Noise and Operations Monitoring System: It is recommended the 1987 FAR Part 150 Noise Compatibility Program be amended to include the installation and use of a permanent noise and operations monitoring system at the Airport. This includes reimbursement for the existing permanent monitoring system and the installation of a radar direct connect to upgrade the system. (pgs. 6-2, 6-3, 7-3; and Table 7-1). FAA Action: Approved. | Pgs. 6-2, 6-3, 7-3; and Table 7-1. |

OPERATIONAL MEASURES—Continued

| Noise Abatement Measure Number | Description | NCP Pages |
|--------------------------------|--|--|
| Land Use Measures | | |
| 1 | Acquisition of Real Property by Condemnation: It is recommended that the 1987 FAR Part 150 Noise Compatibility Program be amended so as to include the Trail's End Mobile Home Park in Dania and the unincorporated Ravenswood neighborhood south of SW 39th Street, west of Ravenswood Road, north of the Dania Cut-off Canal, and east of the Alandco/TCW property line within the land use management category "Acquisition (Condemnation)" instead of "Acquisition (at Homeowner's Request)". The respective land use categories are shown on Exhibits IX-2 and IX-3 of the 1987 Part 150 Program Technical Report (as revised in December 1988 and certified in January 1989). Broward County has already acquired these properties as part of the (1987 approved) land acquisition program by means of condemnation rather than by voluntary acquisition. The condemnation process was used at the request of virtually all of the homeowners. FAA Action: Approved. | Pgs. 6-4 to 6-8, 7-3; Exhibits 5-2 and 6-1; Table 7-2; and Exhibits IX-2 and IX-3 of the 1987 Part 150 Program Technical Report (as revised in December 1988 and certified in January 1989). |
| 2 | Easement Acquisition: It is recommended that Broward County acquire avigation easements from the owners of certain noise-sensitive properties located within the Ldn 65-70 contour area, as shown on Exhibit 5-2, Future (1997) Conditions Noise Exposure Map. This acquisition program would involve three residential areas and three mobile home parks. FAA Action: Approved in part, with respect to easement acquisition for noise compatibility purposes from owners of single-family residences, from owners of multi-family residential property, and from the mobile home park owners. Easement valuation and acquisition requirements and criteria are not included within the scope of FAR Part 150, but are addressed by other FAA program requirements concerning the acquisition of real property on FAA grant assisted projects. It is noted that the proposed valuation and acquisition process for this measure do not conform to these requirements, and significant modification of the described easement valuation and acquisition process would be required to secure reimbursement of costs under a FAA grant. The measure is Disapproved in part for purposes of Part 150, with respect to the described payments proposed to be made personally to mobile home owner occupants in addition to the proposed easement acquisition from the mobile home park owner. These proposed additional payments do not contribute to the goals of reducing existing noncompatible land use and preventing the introduction of additional noncompatible land uses. | Pgs. 6-9, 6-20, 6-21, 7-3, 7-4; Exhibit 5-2; and Table 7-2. |
| 3 | Voluntary Sales Assistance: It is recommended that the BCAD assist eligible single-family homeowners to sell their property and relocate from the 1997 Ldn 65-70 area. Such assistance would be in the form of specified relocation payments if an eligible property were to be sold within 3 years after an offer had been made by Broward County to purchase an avigation easement from the owner(s) and an appropriate avigation easement had been acquired from an eligible owner. FAA Action: Approved. The measure is approved with respect to the provision of specified relocation payments as a sales assistance measure. It is noted for the application of this measure that owners accepting assistance on the sale of their homes are not displaced persons, as defined under the Uniform Act (49 CFR 24.2(g)(2)(viii)), and are not entitled to relocation assistance payments described under the Uniform Act for Federally assisted projects. Also, it is noted that reliance on valuation and acquisition procedures described for the above easement acquisition measure may not be acceptable for FAA grant funding. | Pgs. 6-9, 6-21, 6-22 and 7-4, Exhibit 5-2; and Table 7-2. |
| 4 | Soundproofing: It is recommended that BCAD complete the Wesley Chapel United Methodist Church insulation project and offer once again to sound insulate Edgewood Elementary School in Fort Lauderdale and the Church of the Resurrection in Dania as required to provide an interior sound level of Ldn 45 or less. An easement would be conveyed in return for the sound insulation of Edgewood School and the Church of the Resurrection. FAA Action: Approved. | Pgs. 6-8, 6-23 and 7-4; Exhibit 5-2; and Table 7-2. |

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on November 28, 1995. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative office of the Broward County Aviation Department.

Issued in Orlando, Florida on December 12, 1995.

Charles E. Blair,

Manager, Orlando Airports District Office.

[FR Doc. 95-30779 Filed 12-18-95; 8:45 am]

BILLING CODE 4910-13-M

Antidrug Program for Personnel Engaged in Specified Aviation Activities

AGENCY: Federal Aviation Administration (FAA), DOT,

ACTION: Notice.

SUMMARY: The FAA has determined that the minimum annual random drug testing rate for the period January 1, 1996, through December 31, 1996, will remain at 25 percent of covered aviation employees since the industry-wide random drug testing positive rate continues to be below 1.0 percent.

FOR FURTHER INFORMATION CONTACT: Ms. Julie B. Murdoch, Office of Aviation Medicine, Drug Abatement Division (AAM-800), Federal Aviation Administration, 400 7th Street SW., Washington, DC 20590; telephone (202) 366-6710.

SUPPLEMENTARY INFORMATION:

Administrator's Determination of 1996 Random Drug Testing Rate

In a final rule published on December 2, 1994 (59 FR 62218), the FAA announced that it will set future minimum random drug testing rates according to the aviation industry's positive rate, which is determined using annual aviation antidrug program data taken from the FAA's Management Information System. (The term "positive rate" for tests required under 14 CFR part 121, appendix I, means the number of positive results for random drug tests plus total number of random drug tests plus the number of refusals to take random drug tests.) Using this performance-based system, the FAA can lower the minimum random drug testing rate to 25 percent whenever the positive rate is less than 1.0 percent of two calendar years while testing at 50 percent. The FAA must return the rate to 50 percent if the positive rate is 1.0 percent or higher in any subsequent calendar year. Each year, the

Administrator will publish a notice in the Federal Register announcing the minimum annual random drug testing rate for the following year. (There is a similar provision in the alcohol testing rule. Since alcohol testing only commenced in January 1995, there is insufficient data to modify the current alcohol testing rate of 25 percent; industry-wide data on which to make the required determination will not be available until 1997.)

In 1994, the FAA set the 1995 minimum random drug testing rate at 25 percent because 1992 and 1993 aviation industry drug testing data indicated a positive rate below 1.0 percent. In this notice, the FAA announces that the minimum random drug testing rate will continue to be 25 percent of covered aviation employees for the period January 1, 1996, through December 31, 1996, since the aviation industry positive rate for 1994 was approximately 0.5 percent.

Dated: December 13, 1995.

Jon. L. Jordan,

Federal Air Surgeon.

[FR Doc. 95-30773 Filed 12-18-95; 8:45 am]

BILLING CODE 4910-13-M

Air Traffic Procedures Advisory Committee

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public that a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee (ATPAC) will be held to review present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

DATES: The meeting will be held from January 22 through January 25, 1996, from 9 a.m. to 5 p.m. each day.

ADDRESSES: The meeting will be held at the Le Baron Hotel, 1350 N First Street, San Jose, CA.

FOR FURTHER INFORMATION CONTACT: Mr. W. Frank Price, Executive Director, ATPAC, Air Traffic Rules and Procedures, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-3725.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the ATPAC to be held January 22 through January 25, 1996, at the Le Baron Hotel, 1350 N First Street, San Jose, California

The agenda for this meeting will cover: a continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of Minutes.
2. Submission and Discussion of Areas of Concern.
3. Discussion of Potential Safety Items.
4. Report from Executive Director.
5. Items of Interest.
6. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify the person listed above not later than January 19, 1996. The next quarterly meeting of the FAA ATPAC is planned to be held from April 15-18, 1996, in Washington, DC.

Any member of the public may present a written statement to the Committee at any time at the address given above.

Issued in Washington, DC, on December 13, 1995.

W. Frank Price,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 95-30778 Filed 12-18-95; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 95-104]

Extension of Caesar J. Thibodeaux, Inc.'s Customs Gauger Approval & Laboratory Accreditation to the New Site Located in Corpus Christi, Texas

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice of the extension of Caesar J. Thibodeaux, Inc.'s Customs gauger approval and laboratory accreditation to include its Corpus Christi, Texas new facility.

SUMMARY: Caesar J. Thibodeaux, Inc., of Pasadena, Texas, a Customs approved gauger and accredited laboratory under Section 151.13 of the Customs Regulations (19 CFR 151.13), has been given an extension of its Customs gauger approval and laboratory accreditation to include the Corpus Christi, Texas new site. Specifically, this office has been given Customs approval under Part